

ORIGINAL

INTERVENTION



0000167915



SIERRA  
CLUB

January 12, 2016

Via U.S. Mail

Attn: Docket Control  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, Arizona 85007-2927

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2016 JAN 13 P 1:42

AZ CORP COMMISSION  
DOCKET CONTROL

Re: Docket No. E-01933A-15-0322 Sierra Club's Motion To Intervene

Please find enclosed an original and 13 copies of the above captioned Motion. This filing has been filed with the Commission and served upon parties via U.S. mail.

Please let me know if you have any questions. Thank you.

Arizona Corporation Commission  
DOCKETED

JAN 13 2016



Respectfully submitted,

*Alexa Zimbalist*

Alexa Zimbalist  
Legal Assistant  
Sierra Club Environmental Law Program  
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cc: Service List

Travis Ritchie (*pro hac vice* pending)  
CA State Bar No. 258084  
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Nellis Kennedy-Howard (*pro hac vice* pending)  
NM State Bar No. 145706  
Sierra Club  
4601 Montano Road NW #38  
Albuquerque, NM 87120

Attorneys for Sierra Club

**Before the Arizona Corporation Commission**

**COMMISSIONERS**

SUSAN BITTERSMTIH, CHAIRWOMAN  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER  
COMPANY FOR THE ESTABLISHMENT OF  
JUST AND REASONABLE RATES AND  
CHARGES DESIGNED TO REALIZE A  
REASONABLE RATE OF RETURN ON THE  
FAIR VALUE OF THE PROPERTIES OF  
TUCSON ELECTRIC POWER COMPANY  
DEVOTED TO ITS OPERATIONS  
THROUGHOUT THE STATE OF ARIZONA  
AND FOR RELATED APPROVALS.

Docket No. E-01933A-15-0322

**MOTION TO INTERVENE OF SIERRA  
CLUB**

Pursuant to R14-3-105 of the Rules of Practice and Procedure of the Arizona Corporation  
Commission, Sierra Club hereby moves for leave to intervene in the above-captioned  
proceeding.

1. Sierra Club is a national, non-profit environmental and conservation organization incorporated under the laws of the State of California. The Sierra Club is dedicated to the protection of public health and the environment. Sierra Club moves to intervene in this proceeding on behalf of itself and its approximately 12,000 Sierra Club members who live and purchase utility services in Arizona, many of whom are residential customers of Tucson Electric Power ("TEP"). Sierra Club's Arizona members have a direct and substantial interest in this proceeding because the proposed ratemaking process will have environmental, health and economic consequences for Sierra Club members who are customers of TEP. These Sierra Club members have a right to participate in this proceeding to inform the Commission of their interests, both environmental and economic, that relate to the type of electric power generation that TEP chooses to invest in and how rates are determined.

2. Sierra Club's Beyond Coal campaign advances the development of energy conservation and renewable energy policies, which reduce utility bills, and generate renewable energy. Sierra Club's work includes advocating for the implementation of robust incentive programs that assist its members and utility consumers to generate their own renewable energy and increase energy efficiency. The Sierra Club's work includes intervening in efficiency, renewable energy and ratemaking dockets at public utility commissions nationwide, submitting comments in numerous state and federal agency energy-related proceedings and rulemakings, attending and speaking at public hearings, speaking to students and civic and other organizations, and holding seminars and symposia – all in support of policies to reduce the impact of climate change and other air pollution by promoting clean energy alternatives and energy efficiency. Sierra Club members have worked tirelessly to protect local citizens from increased rates due to

utility investment in aging coal plants such as San Juan Generating Station when local clean energy alternatives, battery storage and energy efficiency measures are possible.

3. Sierra Club has an interest in this docket because its members who live within TEP service territory will be directly and substantially affected by TEP's application to increase rates, implement changes in rate design and alter TEP's existing net metering program. Sierra Club is still reviewing the application and has not determined the full scope of issues it intends to address. However, Sierra Club expects to address issues related to TEP's capital spending and ownership related to its coal fired power plants.

4. Sierra Club's interests are not adequately represented by any other party in this proceeding. Intervention by Sierra Club will not unduly broaden the issues or delay the proceeding.

5. Sierra Club attorney Nellis Kennedy-Howard is an attorney licensed to practice law and in good standing in the state of New Mexico (NM Bar No. 145706). Sierra Club attorney Travis Ritchie is an attorney licensed to practice law and in good standing in the state of California (CA Bar No. 258084). Ms. Kennedy-Howard and Mr. Ritchie will separately file applications for *admission pro hac vice* in accordance with Arizona Supreme Court Rule 38(a). Until such application is complete, Ms. Kennedy-Howard and Mr. Ritchie request permission from the Commission to appear *pro hac vice* on a temporary basis pursuant to Supreme Court Rule 38(a)(3). There is good cause to allow temporary admission because it will allow Sierra Club to participate in the proceeding without delay

6. Sierra Club requests that all pleadings, correspondence, discovery, and other documents be served via electronic mail to the following email addresses:

Travis Ritchie  
[travis.ritchie@sierraclub.org](mailto:travis.ritchie@sierraclub.org)

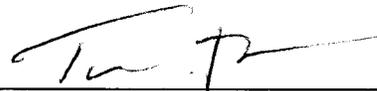
Nellis Kennedy-Howard  
[nellis.khoward@sierraclub.org](mailto:nellis.khoward@sierraclub.org)

7. Sierra Club does not request physical copies of all pleadings, correspondence, discovery or other documents. If these documents cannot be shared by electronic mail, Sierra Club requests they be delivered to the following address:

Travis Ritchie  
Sierra Club Environmental Law Program  
85 Second Street, 2nd Floor  
San Francisco, CA 94105  
Phone: 415-977-5727  
Fax: 415-977-5793

WHEREFORE, Sierra Club respectfully requests that the Commission issue an order granting Motion to Intervene in the above-captioned proceeding.

Dated this 12<sup>th</sup> day of January, 2016



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*Attorneys for Sierra Club*

**Before the Arizona Corporation Commission**

IN THE MATTER OF THE APPLICATION  
OF TUCSON ELECTRIC POWER  
COMPANY FOR THE ESTABLISHMENT OF  
JUST AND REASONABLE RATES AND  
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Docket No. E-01933A-15-0322

**MOTION TO INTERVENE OF SIERRA  
CLUB**

**Certificate of Service**

I hereby certify that I have this day served the foregoing Sierra Club Motion to Intervene via U.S. Mail to all parties of record in this proceeding listed below.

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Dated at San Francisco, California, this 12<sup>th</sup> day of January, 2016.

*Alexa Zimbalist*

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